

The McAlester City Council met in regular session on Tuesday, June 23, 2009, at 6:00 P.M. after proper notice and agenda was posted, June 18, 2009, at 3:49 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Scott Walker, Shared Blessings**

ROLL CALL

Council Roll Call was as follows:

Present: Chris Fiedler, John Browne, Haven Wilkinson, Buddy Garvin, Sam Mason & Mayor Priddle

Absent: Donnie Condit

Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; Pete Stasiak, Planning & Community Development Director; Dave Medley, Utilities Director; Sherry Alessi, Assistant Finance Officer; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

None

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Approval of Minutes from the June 2, 2009, Special Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*
- B. **Approval of Minutes from the June 9, 2009, Regular Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*
- C. **Mayor's Monthly Financial Report for May, 2009.** *(Kevin E. Priddle, Mayor)*
- D. **Approval of Claims for June 10, 2009 through June 23, 2009.** *(Sherry Alessi, Assistant Chief Financial Officer)* In the following amounts: General Fund -

\$164,710.36; Parking Authority - \$115.12; Nutrition - \$835.90; SE Expo Ctr/Tourism Fund - \$23,811.40; E-911 - \$9,611.66 and Economic Development - \$2,916.67.

Formatted: Font: Bold, Italic

Formatted: Font: Not Bold

Councilman Mason requested that item "D" be removed for individual consideration.

Councilman Wilkinson moved for approval of items "A through C" of the consent agenda. The motion was seconded by Vice-Mayor Garvin. There was no discussion and the vote was taken as follows:

AYE: Councilman Fiedler, Browne, Wilkinson, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

D. Approval of Claims for June 10, 2009 through June 23, 2009. (*Sherry Alessi, Assistant Chief Financial Officer*) In the following amounts: General Fund - \$164,710.36; Parking Authority - \$115.12; Nutrition - \$835.90; SE Expo Ctr/Tourism Fund - \$23,811.40; E-911 - \$9,611.66 and Economic Development - \$2,916.67.

Councilman Mason moved to approve item "D" of the consent agenda. The motion was seconded by Councilman Wilkinson.

Formatted: Font: Italic

Before the vote, Councilman Mason inquired about the payment to Allford, Ivester and Green. He stated that he would like to have an update regarding the action against Tandem Technologies that had been in place for almost two (2) years. He directed his question to the City Attorney.

Mr. Ervin informed the Council that the City's action against Tandem Technologies was currently pending in Pittsburg County District Court and that it was at a point where the scheduling order needed to be amended. He commented that the action could be resolved through the court before the end of the year but he did not foresee a voluntary payment from the company. He added that he could furnish the Council with the amended scheduling order within ten (10) days of filing with the District Court. He reported that there had been long periods of inactivity in the file.

Councilman Mason stated that it was time to bring this to a conclusion.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

There was no presentation for "Yard of the Month".

PUBLIC HEARING

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

Councilman Fiedler moved to open a Public Hearing to discuss an Ordinance amending Ordinance No. 2299, which established the Budget for Fiscal Year 2008/2009 and to discuss an Ordinance adopting the budget of the City of McAlester, Oklahoma for the Fiscal Year 2009/2010. The motion was seconded by Councilman Wilkinson. There was no discussion and the vote was taken as follows:

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:17 P.M.

- 1. Public Hearing: An Ordinance amending Ordinance No. 2299, which established the Budget for Fiscal Year 2008/2009; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency.**
- 2. Public Hearing: An Ordinance adopting the budget of the City of McAlester, Oklahoma for the Fiscal Year 2009/2010; providing for a severability clause; and declaring an emergency.**

There were no comments from the audience or the Council regarding the two ordinances and Mayor Priddle asked for a motion to close the Public Hearing.

Councilman Browne moved to close the Public Hearing, seconded by Councilman Fiedler. There was no discussion, and the vote was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:18 P.M. Mayor Priddle stated that item 9 would be considered first.

SCHEDULED BUSINESS

- 9. Consider, and act upon, a Resolution of the City of McAlester for Fiscal Year 2009 affirming the cities commitment to facilitate and administer funds from the Oklahoma Department of Commerce if awarded. (Peter Stasiak, Planning and Community Development Director)**

Executive Summary

This agenda item involves a Resolution affirming the cities commitment to facilitate and administer funds from the ODOC.

Vice-Mayor Garvin moved to approve a Resolution of the City of McAlester for Fiscal Year 2009 affirming the cities commitment to facilitate and administer funds from the Oklahoma Department of Commerce if awarded. The motion was seconded by Councilman Browne. Before the vote, Mayor Priddle clarified that the original application was asking for whatever funds were possible, and last Friday he had sent a letter to the Department of Commerce indicating per Council commitment that the City would accept one million dollars if that was the award from the Department of Commerce.

Councilman Mason began the discussion stating that if the limitation was \$1,000,000.00 then the City would have a high hill to climb. He then expressed concern as to how a letter of request could be submitted prior to Council consent and why the Council was considering this item tonight.

There was considerable discussion among the Council, Mr. Ruminer, Mr. Ervin and Manager Roath regarding the application process, the effort this project had taken to get this far, the work by all involved, and that the sale of the "King Ranch Property" could be revisited to help fund the project. During the discussion, Mr. Ruminer stated that this was a preliminary application to get in line for the formal application and he would furnish a letter to that effect. Mr. Ervin explained that the Council had the power to ratify actions after the fact. Councilman Mason reminded the Council of the 2014 balloon payment to the bond holders that the City would have to make.

Manager Roath commented that the City needed to make sure, the message that was sent was that they were grateful for the possible funding, and that they try to encourage businesses that would fit with what was currently in the area. He added that there would be a number of sessions to address the additional funding that was needed.

Councilman Mason stated that he would like each Councilman to receive a copy of the letter from the Department of Commerce, and that the minutes reflect that this was a preliminary application that would be followed by a formal application, meeting all of the application requirements.

There was no further discussion, and the vote was taken as follows;

AYE: Councilman Garvin, Fiedler, Browne, Wilkinson & Mayor Priddle

NAY: None

ABSTAIN: (Counted as a no) Councilman Mason

Mayor Priddle declared the motion carried.

- 1. Consider, and act upon, an Ordinance amending Ordinance No. 2299 which established the Budget for Fiscal Year 2008/2009; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (Mark B. Roath, City Manager)**

Executive Summary

This agenda item involves an amendment to the budget for fiscal year 2008/2009.

ORDINANCE NO. 2326

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2299 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2008-2009; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Fiedler moved to approve **ORDINANCE NO. 2326**, amending the FY 2008-2009 budget. The motion was seconded by Vice-Mayor Garvin.

Before the vote, City Manager Roath explained that this would be the final amendment to this fiscal year budget. He added that this amendment included the non-uniform employee pay increase, the additional 2% for possible IAFF Collective Bargaining Unit Contract, the change to the budgeted BKD repayment, the reduction to the Federal Forfeiture Fund and the Bond Trustee Funds expenses.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Mason, Fiedler, Browne, Wilkinson, Garvin & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

Councilman Fiedler moved to approve the EMERGENCY CLAUSE, seconded by Councilman Browne. There was no discussion, and the vote was taken as follows:

AYE: Councilman Fiedler, Browne, Wilkinson, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion failed.

- 2. Consider, and act upon, an Ordinance adopting the budget of the City of McAlester, Oklahoma for the Fiscal Year 2009/2010; providing for a severability clause; and declaring an emergency. (Mark B. Roath, City Manager)**

Executive Summary

This agenda item involves an Ordinance adopting the budget for fiscal year 2009/2010.

ORDINANCE NO. 2327

AN ORDINANCE ADOPTING THE BUDGET OF THE CITY OF McALESTER, OKLAHOMA FOR THE FISCAL YEAR 2009-2010.

Councilman Fiedler moved to approve **ORDINANCE NO. 2327**, adopting the Fiscal Year 2009-2010. The motion was seconded by Councilman Wilkinson.

Before the vote, Mr. Roath stated that this would officially adopt the budget for the next fiscal year.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Councilman Fiedler moved to approve the EMERGENCY CLAUSE, seconded by Vice-Mayor Garvin. There was no discussion, and the vote was taken as follows:

AYE: Councilman Fiedler, Browne, Wilkinson, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

- 3. Consider, and act upon, a Resolution authorizing a pay increase for City employees outside the official non-uniform pay plan of the City of McAlester, Oklahoma.**
(Mark B. Roath, City Manager)

Executive Summary

This agenda item involves a pay increase for those non-uniform employees that are outside the official pay plan of the City of McAlester.

Councilman Browne moved to approve RESOLUTION NO. 09-11, seconded by Councilman Fiedler.

Before the vote, Manager Roath explained that there had been three (3) employees that were above the pay plan and this would allow them to receive the pay increase that had been approved by the Council.

There was no further discussion, and the vote was taken as follows.

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

- 4. Consider, and act upon, authorizing the Mayor to sign a Memorandum of Understanding with the Fraternal Order of Police, Lodge No. 97 related to making pension contributions on a certain portion of holiday pay for various members of the bargaining unit.** (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves pension contributions on a certain portion of holiday pay for various members of the bargaining unit.

Vice-Mayor Garvin moved to authorize the Mayor to sign a Memorandum of Understanding with the Fraternal Order of Police, Lodge No. 97 related to making pension contributions on a certain portion of holiday pay for various members of the bargaining unit. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Roath explained that during a portion of fiscal years 2005, 2006 and 2007, the City had inadvertently neglected to make pension contributions on a certain portion of holiday pay for various members of the bargaining unit. This Memorandum of Understanding addressed this issue including the amount in back holiday pension to be paid. He also informed the Council that the Memorandum of Understanding had already been signed off on by the president of the FOP.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

5. Consider, and act upon, authorizing the Mayor to sign a Renewal Letter with United Healthcare, in the amount of \$1,540,332, for the period of July 1, 2009 to June 30, 2010. (Mark. B. Roath, City Manager)

Executive Summary

This agenda item involves the renewal of employee health insurance.

Councilman Wilkinson moved to authorize the Mayor to sign a Renewal Letter with United Healthcare, in the amount of \$1,540,332, for the period of July 1, 2009 to June 30, 2010. The motion was seconded by Councilman Browne.

Before the vote, Manager Roath explained that Unitedhealthcare currently provides the medical and vision insurance for all employees except the fire including some retirees and because of the City's claims experience the last few years, they were the only provider that quoted this insurance for the next fiscal year. He added that in the renewal letter they stated that they would implement a Wellness Program for all City employees, to help improve employee health as well as lower the City's cost in this area.

There was a brief discussion among the Council, Mr. Roath and the representatives from Unitedhealthcare regarding preventative care, the Wellness Program and incentives, the age the retirees can remain covered and possibly offering an early out option to employees.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, authorizing the Mayor to sign a contract with Pride In McAlester, Inc., in the amount of \$60,000. (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves a contract with Pride In McAlester, Inc.

Councilman Browne moved to authorize the Mayor to sign a contract with Pride In McAlester, Inc., in the amount of \$60,000. The motion was seconded by Councilman Fiedler.

Before the vote, J.T. Collier thanked the Council for their support.

There was no further discussion, and the vote was taken as follows;

AYE: Councilman Garvin, Mason, Fiedler, Browne, Wilkinson, & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, award of bid to Bravo Construction Inc., for the construction of 14th St. & Village Blvd. Utility Extensions and authorizing the Mayor to sign a construction contract, after review and approval by the City Attorney's Office, with Bravo Construction Inc., in the amount of \$228,068.19.

Executive Summary

This agenda item involves a bid award and contract with Bravo Construction Inc.

Councilman Fiedler moved to award a bid to Bravo Construction Inc., for the construction of 14th St. & Village Blvd. utility extensions and authorizing the Mayor to sign a construction contract, (after review and approval by the City Attorney's Office), with Bravo Construction Inc., in the amount of \$228,068.19. The motion was seconded by Councilman Wilkinson.

Before the vote, David Medley explained that on November 4, 2008, the Council had approved this construction project, which would extend approximately 2,000 linear feet of water main and approximately 1,500 linear feet of sewer main at 14th Street and Highway 69, and approximately 2,000 linear feet of sewer main extension along the east side of Highway 69 to Village Blvd. On May 14, 2009, the Utilities Department opened bids for this project. There were seven (7) bids received and upon review by both the Engineers and the Utilities Director, Bravo Construction, Inc. was the company that had met all requirements with the lowest cost. He added that the Engineers and the Utilities Director felt confident that Bravo Construction, Inc. could complete the project in a professional manner.

There was a brief discussion among the Council, Manager Roath and Robert Vaughan concerning a full-time inspector, why the bid was so low, future developers sharing in the cost, the contract with Mr. Miller regarding his share of the cost, taking advantage of the low cost and starting the work before any of the stimulus funding hit the economy.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Mason, Fiedler, Browne, Wilkinson, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

8. Review of the City of McAlester Citizen Participation Plan for 2009. *(Peter Stasiak, Planning and Community Development Director)*

Executive Summary

This agenda item involves a review of the 2009 Citizen Participation Plan of the City of McAlester.

Councilman Fiedler moved to accept the review of the City of McAlester Citizen Participation Plan for 2009. The motion was seconded by Councilman Browne.

Before the vote, Pete Stasiak explained that this was just updating the current plan and it would follow all State requirements.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Fiedler, Browne, Wilkinson, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

10. Consider, and act upon, a Resolution declaring certain buildings as dangerous by reason of dilapidation and a detriment to the welfare of the public and community. *(Dennis Lalli, Inspector, Planning and Community Development)*

Executive Summary

This agenda item involves a Resolution declaring certain buildings dilapidated.

Vice-Mayor Garvin moved to approve a Resolution declaring certain buildings as dangerous by reason of dilapidation and a detriment to the welfare of the public and community. The motion was seconded by Councilman Mason.

Before the vote, Pete Stasiak reviewed the list of properties, which were as follows:

1. 227 W. Washington
2. 208 W. Washington
3. 415 W. Choctaw
4. 1314 E. Choctaw
5. 701 E. Cherokee

He informed the Council that three (3) of these structures had been brought down but not all of them to the City's regulations. He was requesting that the Council continue with condemnation to insure they were completed properly.

The owner of 227 W. Washington addressed the Council explaining that she had purchased a remodel permit but had not had the opportunity to complete the improvements to the structure because of personal circumstances. She stated that had she known that there would be these kind of problems she would not have purchased the property. She asked for six (6) months to make

the required improvements. Councilman Wilkinson commented that the structure had been secured and the property maintained but no significant improvements had been completed and there had been several complaints over the years concerning the property.

Mr. Stasiak informed the Council that this property had been notified in the past of the mowing problems and not being properly secured. He recommended that the structure be condemned.

Councilman Browne commented that if the property was condemned tonight the owner could purchase a remodel permit and have ninety days to make the necessary improvements. Mr. Stasiak stated that they would work with the owner if that is what she chose to do. The owner asked what she could do herself to tear the structure down.

Councilman Fiedler requested that the property at 227 W. Washington be removed for separate consideration.

There was no further discussion, and the vote was taken as follows on the remaining property:

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Councilman Wilkinson moved to consider the property at 227 W. Washington for condemnation. The motion was seconded by Councilman Fiedler. Before the vote, Mayor Priddle stated that a yes vote would be to condemn the property.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Browne & Mayor Priddle

NAY: Councilman Fiedler

Mayor Priddle declared the motion carried.

11. Consider, and act upon, an Addendum to a lease with the Girl Scouts Tiak Council approved on December 13, 2005, for Cheney Park. (Cora Middleton, City Clerk)

Executive Summary

This agenda item involves changing the legal name of the local Girl Scout group named on the lease.

Councilman Browne moved to approve an Addendum to a lease with the Girl Scouts Tiak Council approved on December 13, 2005, for Cheney Park. The motion was seconded by Councilman Fiedler.

Before the vote, Manager Roath explained that three (3) of the Girl Scout Councils in Eastern Oklahoma had merged into one larger and more efficient Council and changed the name to "Girl

Scouts of Eastern Oklahoma". This item would correct the existing lease that the City has with the local Girl Scout group but, the other terms of the lease would remain the same.

Councilman Browne asked if the City still maintained the Park. Mr. Ervin stated that the Girl Scouts leased and maintained the entire Park.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

12. Discussion, and action, to place on file the Hotel Tax Report for Fiscal Year 2007/2008, performed by Crawford and Associates, P.C. (Sam Mason, Councilmember)

Executive Summary

This agenda item involves an audit of the hotel tax revenues generated by hotels and motels within the corporate limits of McAlester.

Councilman Fiedler moved to place on file the Hotel Tax Report for Fiscal Year 2007/2008, performed by Crawford and Associates, P.C. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Councilman Mason explained that the Council had previously engaged Crawford and Associates to perform the initial audit and that this was a second audit. He compared the two audits and suggested that the Council request the Audit and Finance Advisory Committee to review both audits and make recommendations for what steps to take to follow up on any problems that appeared in both audits. He stated that it was not fair to the hotels that complied with the City's regulations when other hotels did not.

There was a brief discussion among the Council, regarding the misunderstanding about the changes that had been made to the ordinance, sending representatives to the hotel to clarify deadlines, engaging Crawford and Associates to perform another audit and having the Audit and Finance Advisory Committee develop a policy concerning the collection of the hotel/motel tax.

Councilman Mason requested that the motion be amended as follows "Accept, and place on file the Hotel Tax Report for Fiscal Year 2007/2008, performed by Crawford and Associates, P.C. and in addition submit the audit to the Audit and Finance Advisory Committee and their recommendations along with the City Staff's recommendations be brought back to the Council at the second meeting in July. The motion was seconded by Mayor Priddle. There was no further discussion, and the vote was taken as follows.

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

NEW BUSINESS

Councilman Browne stated that he had received correspondence from the IIAF indicating that they were in agreement with everything but were still going to arbitration. He asked where the division was in the negotiations.

Manager Roath and Mayor Priddle commented that there were a few small items that needed to be considered and that an executive session would need to be scheduled to discuss this matter in detail.

CITY MANAGER'S REPORT

Mr. Roath stated that he did not have any items to report at this time.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Wilkinson stated that he did not have any comments at this time.

Vice-Mayor Garvin thanked Mr. Stasiak for the improvements at the landfill. He commented on the growth that was occurring in Fifth Ward in both the commercial and residential areas. He then thanked Mel Priddy for the work by the Parks division on the pools and parks.

Councilman Mason commented about the tall grass all over town and pointed out the house across from the post office.

Councilman Fiedler remarked that he had addressed that property. He thanked Mr. Stasiak and his staff for their hard work. He thanked everyone that had worked on the Sabre Defence project and he hoped it would happen. He announced that the City had received the new ambulance.

Joyce Carlson asked if she could speak about the problem with grass being blown into the streets, stating that even the City crews did not remove grass from the streets when they mowed.

Councilman Browne announced that there would be a meeting concerning recycling next Tuesday at the Pride In McAlester office.

Mayor Priddle thanked the City Manager and Mr. Stasiak for their diligence on the dilapidated properties.

RECESS COUNCIL MEETING

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Mason moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Wilkinson and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Browne, Wilkinson & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 8:16 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 8:18 P.M.

ADJOURNMENT

There being no further business to come before the Council, Councilman Wilkinson moved for the meeting to be adjourned, seconded by Councilman Fiedler. The vote was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:19 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk